

MINUTES
PAGE COUNTY BOARD OF SUPERVISORS
WORK SESSION
FEBRUARY 3, 2010

All Members Present: Johnny Woodward, Chairman, At-Large
 Robert Griffith, District 1
 Larry A. Sours, District 2
 John D. "J. D." Cave, District 3
 Gerald Cubbage, District 4
 Jeff Vaughan, District 5

Staff Present: Dr. Thomas Cardman, County Administrator
 Kevin Henry, Director of Planning
 Henry Mikus, Director of Public Works
 John Thomas, Sheriff
 Charlie Campbell, Commissioner of the Revenue
 Wes Shifflett, Coordinator of Fire/Rescue Services
 Gene Stewart, Emergency Services Coordinator
 Meredith Houff, Fiscal Technician
 Regina Miller, Executive Secretary

Media & Others Present: 5 Citizens

Call to Order:

Chairman Johnny Woodward called to order the work session of the Page County Board of Supervisors on February 3, 2010 at 6:00 p.m. in the Conference Room, located in the Page County Administration Building, noting a quorum was present.

Closed Session: 6:00 p.m.

Motion:

Supervisor Griffith moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act in order to consult with legal counsel for legal advice on a public/governmental prayer policy, on the Freedom of Information Act and Conflict of Interest Act regarding comments as protected/unprotected speech, the Stanley Plaza lease, and probable litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, and to discuss the acquisition of real property for county offices, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. Supervisor Cubbage seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cubbage, Vaughan, and Woodward.

Exit Closed Session: 6:57 p.m.

Motion:

Supervisor Griffith moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Sours seconded. The motion

carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cubbage, Vaughan, and Woodward.

Certification of Closed Meeting:

To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.

<u>Roll Call Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Robert Griffith	X			
Larry Sours	X			
J. D. Cave	X			
Gerald Cubbage	X			
Jeff Vaughan	X			
Johnny Woodward	X			

There was no action as a result of Closed Session.

Recess: The Board took a brief recess at 6:57 p.m.

Reconvene: Chairman Woodward reconvened the meeting in the Board of Supervisors Room located in the Courthouse at 7:09 p.m.

Update on the Reassessment Process:

Charlie Campbell, Commissioner of the Revenue, explained that several years ago a regional committee was formed consisting of representatives from the Counties of Clarke, Shenandoah, Warren, Rappahannock, and Page to explore the possibility of hiring an appraisal company to perform reassessments in these counties in order to obtain better pricing and a better reassessment. The Counties who adopted to participate in this process was Shenandoah, Warren, Rappahannock, and Page. The committee interviewed prospective firms who perform general reassessments and the committee chose Wingate Appraisal Services. All of the counties have contracted with this firm and he felt this would be the best general reassessment ever in the County.

Harold Wingate, Wingate Appraisal Services, outlined that the first assessment conducted was in Rappahannock and they are now performing assessments in Page and Warren. He said they depend strictly on the market to determine what property is worth. They spend a lot of time in preparation studying the market and looking at and familiarizing themselves with different areas of the County. Reassessment, he said, is an equalization process, not a revenue generating process. Currently, there are a lot of foreclosures and distressed sales for various reasons but they do not use the foreclosure sales as an indication of market value nor do they use the asking price of properties. The definition of market value is where there is a willing buyer and a willing seller, with neither party acting under any duress, and these are the sells they are looking for in the process to estimate the market value of these properties. Once this is

completed, they will send out the notices to the property owners with the proposed new value and give them the opportunity to appear before the appraisers if they wish to appeal the value or review comparisons.

Mr. Campbell explained the importance of the reassessment stating that it funnels money back to the locality. Once the reassessment is complete, the Department of Taxation will perform a ratio study and if it is in the 90 percentiles it will show that we had a good reassessment and the County will receive the maximum amount of funding from the state to operate the school system. However, if the study is in the 80 percentile bracket then we will not receive the maximum amount of funding.

Lastly, Mr. Wingate informed the Board that at the end of the reassessment a Board of Equalization will need to be chosen by the Supervisors and appointed by the Circuit Court to serve for citizens wishing to appeal their assessment. The Board of Equalization will begin serving on January 1, 2011.

Budget Amendment for the County Office Building:

Dr. Cardman explained that the Board has set aside an amount to be spent on the County Office Building project but they have not appropriated it to be spent in the current budget. Therefore, in order to spend it the Board must hold a public hearing to amend the budget, which must be advertised. After the public hearing, the Board can decide whether or not to appropriate the funding so it can be spent.

It was consensus of the Board to advertise the public hearing for the March 2nd work session.

Discussion of 911 Addressing:

Gene Stewart, Emergency Services Coordinator, indicated that he and staff in the GIS Department have been performing 911 addressing and have found inconsistencies throughout the County and are making corrections as they go along. One example, he said is in a subdivision where all the mailboxes of the residents are all lined up on another road. When a 911 call is received from that area, the address could be a mile away and if the house is not posted then there is no way for emergency services to know if they are at the correct residence. According to County Code § 127-10(B), a driveway can be one mile long and it does not have to have another road name. They are proposing that once a second home is added to a road it be assigned a new road name. Secondly, if there is an unnamed driveway, with two residences and mailboxes located at the end, which are not marked properly, then it is unclear which house to respond to during an emergency. In addition, if someone lives more than 50 feet off the road or if the residence is not visible from the road, currently, the house number can be placed anywhere on the house. He said they are proposing a change to require that the house number be placed at the driveway, which intersects with the road the residence is on. Mr. Stewart mentioned that there are a total of 13 changes they are suggesting as amendments to the ordinance. Another proposed change is if a resident wants to change their road name they would need 100% agreement by all affected property

owners rather than the current simple majority. He said they will have Mr. Shanks review the changes and will make a formal proposal to the Board at a later date.

Supervisor Vaughan felt that it would be stringent to place 100% agreement among the affected property owners in order to change a road name. His concern was that if property owners do not respond then the change would not occur. He felt it should be reworded to a majority is all that is needed in order to change the name rather than 100%.

Discussion of Employee Furlough Days:

Dr. Cardman provided each Supervisor with a document that outlined the current budget's fund balance situation. He explained that when the budget was adopted and the furloughs were implemented the projected fund balance at that time was \$5 million, as of June 30, 2009. The actual fund balance was \$5.3 million. In addition, the fund balance has been added to by returning \$1 million that was advanced for landfill construction as a result of closing the loan. Also, \$700,000 has been returned from money that was advanced from the construction of the hangars at the airport. The \$1.453 million was the anticipated draw to be taken from the fund balance to balance this year's budget. It was anticipated at June 30, 2010, the County's fund balance would be approximately \$3.547 million. Actually, the projected fund balance of June 30, 2010, is \$5.547 million, which means the projections have increased by \$2 million. Switching to another column, Dr. Cardman explained that the debt transfer accomplished by working with the School Board has brought an additional \$333,000 worth of relief to the current fund operating budget. Also, unbudgeted revenue of \$75,000 is now eligible to be added to the budget, which is coming from the insurance payments on ambulance services that is due to the County. Therefore, the anticipated actual fund balance at June 30, 2010 is approximately \$5.955 million. Dr. Cardman then highlighted several things that could occur during this year. He pointed out that an additional positive impact of \$485,667 is a result of the current expense budget running 8% below expenditures; however, he did not calculate this at 8%, but rather at a potential 2%. Also, the County is running about 3% above in its collections in revenue, but he reduced this percentage to ½% and the figure was added. He noted that they are also continuing to work with the School Board to make an additional \$150,000+ transfer by the same method used to acquire the \$333,000. He emphasized that the projected column has not occurred and are only projections. The estimated fund balance would be \$6,712,084. If the Board were to rescind the furlough mandate for the second half of this fiscal year, it would reduce that fund balance by approximately \$81,000. Thus, the estimated fund balance from the projected column would be \$6.631 million, meaning that a delta of over \$3 million from the original anticipated fund balance of \$3.547 million.

Supervisor Cave mentioned that information given by Dr. Cardman is good news. The Board knows they will have challenges during budget time but the idea of furlough days goes back about one year ago and the reason they implemented the furlough days was because the County did not have money. Now, the money is there and he felt it is only

right to restore the furlough days for this year's budget. The Board needs to act now instead of waiting any longer.

Supervisor Sours commented that the furlough days were not his idea. This was one of four options available to the Board and it was the best one, instead of eliminating entire departments. The Board did not have this information at the time. Now, the numbers are more conducive than they originally thought. At the time they were implemented, it was mentioned that it would be reviewed in January 2010 and the Board should restore them.

Chairman Woodward stated that this matter has already been voted on less than 30 days ago and was defeated by a tie vote. He felt that since the matter was already defeated less than 30 days ago it could not be voted on again. Dr. Cardman stated that he was not an attorney but was not aware of any prohibition. The Board can vote on matters at anytime.

Supervisor Cabbage said that the Board just received this information and why should he want to vote on it. The Board has not asked Mr. Mikus how much the repairs at the Stanley Landfill will cost. The furlough days were implemented to balance the current budget and if they are restored then he perceived that they would be spending unbudgeted money. He said the schools are planning to implement furlough days in their upcoming budget to save money.

Supervisor Cave remarked that at the last meeting he wanted more information, specifically figures, which Dr. Cardman has furnished, and now the figures bring a new light to the subject and should change some minds as far as this action is concerned. Even though the Board just received the numbers and there could be other budgetary consideration, the numbers were supposed to indicate where they stand with the ability to restore them and how it will impact the budget they voted on last spring for furlough days. The furlough days were implemented as a budget savings measure and now they have the money, so the simple motion is to restore the furlough days. Next year's budget is a different matter. He said the Board is not talking about changing the budget to purchase new cars or a phone system; we are talking about the staff and employees who make a difference every day coming to work for this County. It will send a powerful message to the employees that the Board cares.

Supervisor Griffith mentioned that the Board may have to implement furlough days during the next budget cycle but that is separate from this budget. Now the Board has to consider the money they have in this budget cycle and take action to alleviate the furlough days.

Chairman Woodward wanted to first vote on whether or not the Board wanted to allow for another vote on the issue. Lengthy discussion ensued regarding the procedure for voting on this matter. Dr. Cardman indicated that the Chairman is setting a specification for the conditions of a motion. He stated that he is not the County Attorney and Mr. Shanks should be consulted on the procedure. Supervisor Cave said that he did not

want to set a precedent where the only way a motion can be put on the floor is with the Chairman's approval. Any member at any time can make a motion. Dr. Cardman indicated that if a Board member disagrees with the ruling of the Parliamentarian, who is the Chairman, the Board has the right to overrule that ruling by a majority vote. Supervisor Cave then asked that the County Attorney be called for consultation on the matter.

Motion:

Supervisor Cave moved to rescind the furlough days. Supervisor Sours seconded and the motion carried by a vote of 4-2. Aye: Griffith, Sours, Cave, Vaughan. Nay: Cabbage, Woodward.

Supervisor Cave remarked that at some point the Board needs guidance from their legal counsel as to whether what the Board just did was proper, since the Chairman had questions about it.

Report from the Public Works Department:

Henry Mikus, Director of Public Works, reported that the finances at Battle Creek Landfill are about the same as they have been through the winter and revenue is down but expenses have been cut back. He said that on a positive note the recycling market is beginning to increase. He noted he has been contacting all of their major vendors informing them of the County's financial situation and requested them to review what they charge the County for their goods and services to see if it can be discounted now and in the future. One of the consulting engineering firms has agreed to cut their standard rates plus 10%, effective immediately and into the next fiscal year. This will result in a significant savings. During the month, he reported that there has been a lot of snow and ice removal as well as the leachate at the landfill. He then thanked James Hilliard, Louie Kling, Greg Lawrence, Mike Foltz, Eric Cabbage, Eric Knight, and Delmas Kibler for their dedication and hard work and for performing extra duty during the month. Lastly, he provided the Supervisors with a copy of the hours of operation for the Compacting/Recycling Sites and Landfill.

Discussion of State Budget Adjustments:

Dr. Cardman informed the Board that several months ago the County was informed that the state was going to reduce the amount of money to the County for Constitutional Officers budgets by a total of \$180,000. The previous Board instructed him to send a memo to the Constitutional Officers asking them to propose a solution for the budget reduction. Two of the Officers have solved the problem and are making the reductions in their areas but the other three have yet to come up with a plan so he needs guidance from the Board on whether they want him to pursue a conversation with them or do they want to absorb the cuts into the County budget.

After discussion, the Board asked Dr. Cardman to pursue a conversation with the three Constitutional Officers regarding the state reductions.

Reassessment Staffing:

Dr. Cardman explained that as part of the contractual obligation for the reassessment with Wingate Appraisal, the County is obliged to supply support staffing for this phase of the reassessment, as well as the Equalization Board. The staff funding is included in the budget, but he wanted to inform the Board that Mr. Campbell, Commissioner of the Revenue, will be posting a job announcement as well as conducting interviews. Because of the hiring freeze, he did not want the Board to think they were unilaterally hiring for positions.

Discussion of a Fire Marshall:

Dr. Cardman indicated that he, Sheriff Thomas, Wes Shifflett, and Gene Stewart have been discussing the need for a Fire Marshall position. In last year's budget, there was a request to establish a budgetary line for a Fire Marshall, but given budgetary constraints the position was removed. It has come to his attention, as recommended by Sheriff Thomas, Mr. Shifflett, and Mr. Stewart that the Board pursue the establishment of a Fire Marshall position. It will not require any budgetary increase this year and they are making every effort not to increase any budgets next year. It will also not require the increase of a staff position, but will require the Board's permission to identify the person, spend funds for training, and adopt the necessary ordinance in the County Code that authorizes the Fire Marshall's responsibilities. He said that if the County does not have the Code authorization but has a Fire Marshall, the person does not have any authority. On the other hand, if the County has Code authorization and no Fire Marshall, the County has no authority to enforce the Code. Currently, the County cannot enforce fire codes because the codes have not been adopted and we do not have a Fire Marshall position.

Sheriff John Thomas mentioned that Gene Stewart is responsible for emergency management and in most counties the Emergency Management Coordinator has two functions. He stated that Mr. Stewart is versed in fire and fire codes and in looking at his abilities and available time, he feels he can take this position on in addition to his rescue squad responsibilities. The cost can be absorbed through Mr. Stewart's budget and the Sheriff's budget. He said he will sponsor the position and will pay \$500 for schooling from the Department of Criminal Justice Services. The benefit to having a Fire Marshall is the ability to enforce the fire code. The jurisdiction of the Sheriff's Office has always been to respond to the fire departments request for cause and origin investigation on suspicious fires, meaning if they think arson is possible the Sheriff's Office will respond. However, their investigation stops when they find the point of origin and if it is not arson they cannot take it any further because it would not be criminal. However, the Fire Marshall would go to the scene, find cause and origin, and if it appears to be a criminal violation he has the power to work it or can ask the Sheriff's Office for assistance with the investigation. He then reviewed the responsibilities of the Fire Marshall, which, he said, are beyond the purview of the Sheriff's Office.

Supervisor Vaughan asked if the Fire Marshall is required in the state of Virginia. Sheriff Thomas responded that it is not a requirement but if the County wants to enforce the fire codes then the County has to have a Fire Marshall. Supervisor Vaughan

mentioned that there will need to be a clear definition of responsibility if the Board proceeds with a Fire Marshall. He noted his support for keeping government simple with regard to restrictions and guidelines. He said that when more restrictions are placed on businesses it could cause a conflict with businesses being able to operate. Sheriff Thomas stated that he looks at the Fire Marshal as someone who is able to administer and help public entities and businesses to maintain a safety level.

Supervisor Vaughan stated that he would like a copy of the Virginia Statewide Fire Prevention Code. In addition, he would like to know the County's plans for a potential budget, if the Board moves forward. He also asked for information on the responsibilities of Mr. Stewart and Mr. Shifflett. He expressed concern with where we stand with the EMS services in the County with regard to volunteers versus the paid personnel. This County needs to seriously look at emergency services in a different light, he said.

Dr. Cardman stated that they have put together an outline on how this position will be staffed. He said they are not making any recommendations tonight but are asking for permission to continue to put together the package and present it to the Board at a later date.

Budget Work Sessions:

Dr. Cardman explained that the budget is due to be presented to the Board on February 16th. He asked for permission to schedule the budget hearings on the proposed nights as outlined on the budget schedule to begin at 6:00 p.m. and to limit the sessions to two hours per evening.

After discussion, it was the consensus of the Board to schedule the budget sessions to begin at 6:00 p.m. However, it was mentioned that no limit should be placed on the sessions.

Declaration of a Local Emergency:

Dr. Cardman mentioned that because of the continuing inclement weather the Board needs to adopt the Declaration of a Local Emergency due to the recent flooding and snow events the week of February 1, 2010. By making the declaration, the County will be able to submit to the state for reimbursement. It was noted that the Board has 14 days to adopt the declaration from the date of the weather event.

Motion:

Supervisor Cave moved to approve the Declaration of a Local Emergency, as presented. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Cabbage, Vaughan, Woodward.

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DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of Page County does hereby find that:

1. Due to the severe flooding and snow events the week of February 1, 2010, Page County is facing dangerous conditions.
2. Due to the rising water and flooding and potential snow accumulations, a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists throughout said County and;

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Office Emergency Management of Page County shall be those prescribed by state law and the ordinances, resolutions, and approved plans of Page County in order to mitigate the effects of said emergency.

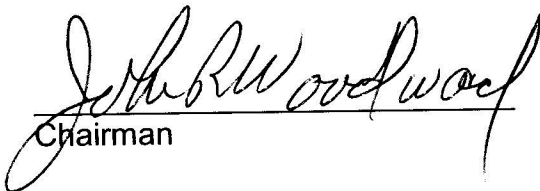
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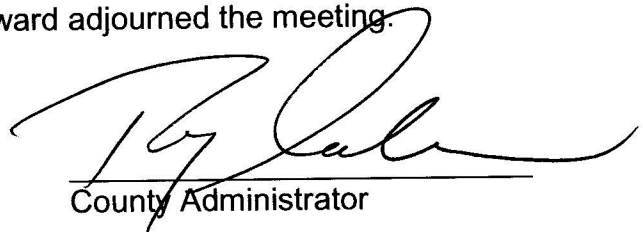
Franchise Agreement Update:

Wes Shifflett, Coordinator of Fire/Rescue Services, updated the Board on the franchise agreements between the County and the volunteer rescue squads. He reported that the franchise agreements are part of the ordinance adopted by the Board when the County proceeded with the ambulance billing process. Currently, he has a signed agreement from Luray Volunteer Rescue Squad and the agreement from the Stanley Volunteer Rescue Squad was approved and is awaiting signatures. The agreements have been worked on since May 2009. The County now has to sign the agreements to become official.

Adjourn: 9:23 p.m.

With no further business, Chairman Woodward adjourned the meeting.


Chairman


County Administrator